



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 5, 1998

Mr. John Steiner
Division Chief
Research and Opinions
City of Austin
Law Department
P.O. Box 1546
Austin, Texas 78767-1546

OR98-0022

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111712.

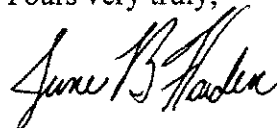
The City of Austin (the "city") received an open records request for a copy of a legal opinion from the city attorney to the director of the Austin Public Library regarding the use of Internet filtering software on public library computers. You contend the requested information is excepted from required public disclosure pursuant to section 552.107(1) of the Government Code.

Section 552.107(1) of the Government Code excepts from public disclosure information "that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." See Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and confidential attorney-client communications. *Id.* We have reviewed the legal opinion submitted to this office and conclude that the city may withhold this document in its entirety pursuant to section 552.107(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/glg

Ref.: ID# 111712

Enclosures: Submitted documents

cc: Mr. David Smith
Electronic Freedom Foundation
104 East 37th Street
Austin, Texas 78705
(w/o enclosures)